

Message Text

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PAGE 01 MANILA 11305 310637Z

11
ACTION EA-09

INFO OCT-01 ISO-00 PM-04 NSC-05 SP-02 SS-15 NSCE-00 L-03

H-02 CIAE-00 INR-07 NSAE-00 TRSE-00 OMB-01 SIL-01

LAB-04 /054 W
----- 086929

R 310530Z JUL 76
FM AMEMBASSY MANILA
TO SECSTATE WASHDC 8218
INFO SECDEF WASHDC
JCS WASHDC
CINCPAC
CINCPACAF
CINCPACFLT
CINCPACREPHIL SUBIC
CG 13TH AF CLARK

C O N F I D E N T I A L MANILA 11305

CINCPAC ALSO FOR POLAD

FROM USDEL 169

E.E. 11652: GDS
TAGS: MARR, RP
SUBJECT: PHILIPPINE BASE NEGOTIATIONS: DAILY SUMMARY NO. 29

REF: A. MANILA 11222 (USDEL 165), DTG 300128Z JULY 76
B. MANILA 11145 (USDEL 162), DTG 290216Z JULY 76

1. SUMMARY: JULY 30 PLENARY SESSION ENDED MONTH ON A
POSITIVE NOTE, PROVIDING A MODEL OF RATIONALITY AND PROGRESS
FOR NEXT WEEK'S SESSIONS. END RESULT WAS THREE DRAFT
ARTICLES APPROVED IN SHORTENED MORNING SESSION AND HIGH
PRAISE OF BOTH SIDES FOR LEGAL GROUP'S EFFORTS. A LIGHT
WORKING GROUP SCHEDULE IN THE AFTERNOON (CHAIRMAN'S, LEGAL
AND TAXATION GROUPS DID NOT MEET) SAW SOME PROGRESS IN
FACILITIES GROUPS. END SUMMARY.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 MANILA 11305 310637Z

2. PLENARY RESUMED AT 0930, JULY 30 TO REVIEW JOINT WORKING DRAFTS PREPARED BY THE LEGAL GROUP. SESSION WAS A MODEL OF RATIONALE AND PROGRESS, LARGELY BECAUSE PELAEZ AND OTHER TEXT NIBBLERS ON THE PHIL SIDE SCARECELY WIGGLED THEIR WHISKERS, PROBABLY OUT OF DEFERENCE TO MENDOZA'S STATUS. THE PANELS APPROVED THE JOINT WORKING DRAFTS ON (1) APPLICATION OF PHILIPPINE LAW, (2) REFUGE, AND (3) IMMIGRATION, WITH SULLIVAN NOTING THAT AGREEMENT BY THE US PANEL TO ALL THREE WOULD BE SUBJECT TO WASHINGTON APPROVAL. IT WAS AGREED THAT THE LEGAL GROUP WOULD CONTINUE ITS WORK ON A CRIMINAL JURISDICTION ARTICLE, SEEKING TO DEVELOP MUTUALLY ACCEPTABLE PROCEDURES FOR DETERMINING WHETHER A SPECIFIC OFFENSE FELL WITHIN ONE OF "THE EXCEPTIONS TO PHILIPPINE JURISDICTION." IT WAS ALSO AGREED THAT THE LEGAL GROUP WOULD ASSUME FINAL RESPONSIBILITY FOR DEVELOPING THE DEFINITIONS OF TERMS USED IN THE AGREEMENT. DEFINITIONS WILL BE DEVELOPED AFTER THE SUBSTANTIVE DECISIONS HAVE BEEN MADE IN THE WORKING GROUPS. THE WORKING GROUPS WILL PASS TO THE LEGAL GROUP DRAFT DEFINITIONS OF TERMS WHICH LEGAL GROUP WILL REFINE AS NECESSARY. THE PLENARY RECESSED IN LATE MORNING TO PERMIT WORKING GROUPS TO RETURN TO THEIR TASKS. NEXT PLENARY IS SET FOR THE MORNING OF AUGUST 3. SULLIVAN EXPRESSED HOPE OF US PANEL THAT NUMBER OF INSTRUCTIONS EXPECTED FROM WASHINGTON WOULD ARRIVE AND HELP INSURE CONTINUED PROGRESS.

3. CHAIRMEN'S GROUP MET VERY BRIEFLY AFTER ADJOURNMENT OF PLENARY. IN ABSENCE WASHINGTON CABLES ON TERM OF AGREEMENT AND REMOVAL OF PROPERTY, SULLIVAN HAD NO SUBJECTS TO RAISE. ROMUALDEZ MADE FEEBLE EFFORT (ON BEHALF INGRES) TO MODIFY PREAMBLE TEXT WHICH HE HAD TABLED JULY 29. WHEN SULLIVAN CATEGORICALLY REFUSED REOPEN SUBJECT, HE WITHDREW HIS SUGGESTION. SULLIVAN ALSO RAISED SUBJECT OF JULY 29 MDB MEETING AND STRESSED FALSE PREMISES ON WHICH PHIL PAPER WAS BASED. ROMUALDEZ PLEADED IGNORANCE. SULLIVAN PROVIDED HIM (GEN ESPINO ALSO HAS A COPY) WITH TEXT OF WILSON TESTIMONY IN SYMINGTON COMMITTEE IN 1969. MEETING ADJOURNED UNTIL MORNING AUGUST 2

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 MANILA 11305 310637Z

4. FACILITIES. FACILITIES WORKING GROUP CONTINUED DISCUSSIONS ON ARTICLE II ALONG LINES REPORTED JULY 29. PHIL PANEL AGREED THAT FACILITIES WILL CONSIST OF LAND AND WATERS WITHIN THE BOUNDARIES OF MAPS ATTACHED TO ANNEX A, AND THE BUILDINGS AND OTHER CONSTRUCTIONS LOCATED THEREON. AN INVENTORY LISTING OF ALL BUILDINGS AND OTHER CONSTRUCTIONS WILL BE PROVIDED AT TIME OF

SIGNATURE. PHILS STEADFASTLY REFUSED TO ALLOW THE IDENTIFIED WHOLE TO BE REFERRED TO AS A FACILITY (CAPITAL F) WHILE ADMITTING THAT FOR COMMAND AND CONTROL PURPOSES THEY CONSIDER IT IN FACT TO BE AN INTEGRAL UNIT. USDEL INTENDS TO PURSUE ALTERNATIVE DESIGNATIONS TO INSURE DESIRED INTEGRAL CONCEPT IS UNEQUIVOCABLY RECOGNIZED. FORMAT FOR ANNEX A AND ATTACHMENTS ARE NOW AGREED, BUT PHILS STATED THAT THEY WERE NOT AUTHORIZED TO DISCUSS ANY MAJOR FACILITY OTHER THAN CLARK OR SUBIC (I.E., SAN MIGUEL, WALLACE AND JOHN HAY), AND ARE UNCERTAIN AS TO HOW LESSER OFF-BASE FACILITIES (3.G., DEL MONTE, MT. CABUYO, NICHOLS) WOULD BE HANDLED - WHETHER IN ARTICLE II OR ELSEWHERE. WORKING GROUP RESUMES DISCUSSIONS AUGUST 2 WHEN PHILS ARE TO PROVIDE REVISED MAPS WITH BOUNDARIES AS ENVISIONED BY THEIR PANEL. U.S. REPS SUGGESTED BOUNDARIES BE DRAWN IN ERASABLE PENCIL. COMMENT. IT SEEMS CLEAR THAT THE PHILS ARE CONTINUING TO RESERVE THEIR POSITION ON SAN MIGUEL, WALLACE AND JOHN HAY UNTIL QUID IS DISCUSSED, AND PRICE FOR THESE FACILITIES IS LIKELY TO BE HIGH. SAME WOULD APPLY TO GRANDE ISLAND. ADDRESSEES WILL ALSO NOTE THAT PHILS HAVE NOW CONCEDED THAT FACILITIES WILL INCLUDE WATER AS WELL AS LANDS, WHICH WE CONSIDER TO BE A SIGNIFICANT STEP FORWARD. END COMMENT.

5. COMMAND AND CONTROL. DIFFERENCE IN POSITIONS OF THE PHIL PANEL LEVIED ON THE PHIL COMMAND AND CONTROL WORKING GROUP RESULTED IN UNANTICIPATED RECONSIDERATION REGARDING ACCESS TO THE FACILITIES OF CHARTERED AIRCRAFT AND VESSELS. NOW ANTICIPATE FORWARDING APPROX 3 AUGUST THE AD REFERENDUM LANGUAGE OF WORKING PAPERS REFERRED TO IN REF. B.
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PAGE 04 MANILA 11305 310637Z

6. LEGAL AND TAXATION GROUPS DID NOT MEET.

7. LABOR. LABOR WORKING GROUP MET AFTERNOON 30 JULY. IT WAS AGREED TO MODIFY AD REFERENDUM THE FIRST SENTENCE, SECOND PARAGRAPH OF SINGLE-TEXT "RESOLUTION OF DISPUTES" QUOTED IN PARA 2E, REF A WHICH NOW WILL READ:
QUOTE: ORDINARY GRIEVANCES, DISCIPLINARY ACTIONS IMPOSING A PENALTY OF LESS THAN FIVE WORKDAYS SUSPENSION, AND MATTERS FOR TECHNICAL REVIEW WHEN SEPARATION OF THE EMPLOYEE IS NOT INVOLVED IN THE ISSUE SHALL BE RESOLVED.... END QUOTE.
ADDITIONAL WORDING REQUESTED BY PHIL SIDE TO PERMIT AN EMPLOYEE SEPARATED BY RIF, WHO FELT HIS SEPARATION RESULTED FROM MISCOMPUTATION OF HIS SERVICE COMPUTATION DATE OR ERRONEOUS COMPETITIVE LEVEL DETERMINATION, TO

SEEK REDRESS FROM BASE AND FACILITIES COMMANDERS AND JOINT COMMITTEE. NO ADDITIONAL SINGLE-TEXTS WERE AGREED UPON, ALTHOUGH MARGIN OF DIFFERENCES SEEMS TO BE NARROWING ON RIF, CONTRACTING OUT, AND PREFERENTIAL EMPLOYMENT. INCIONG DISCUSSED HIS VIEWS OF HOW THE JOINT LABOR COMMITTEE SET UP BY BLA SHOULD BE PLACED VIS-A-VIS THE FACILITIES AGREEMENT'S JOINT COMMISSION, AND HOW IT SHOULD FUNCTION. HE SEES IT AS A NOMINAL "COMMITTEE ON LABOR" OF THE JOINT COMMISSION, BUT HOPEFULLY FUNCTIONING INDEPENDENTLY WITH AUTHORITIES OF BLA AND THOSE PROPOSED IN THIS AGREEMENT, UNLESS THIS AGREEMENT ULTIMATELY SPECIFIES THAT A PARTICULAR LABOR MATTER CAN BE FURTHER ELEVATED TO THAT COMMISSION. SULLIVAN

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